

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

WILLIAM SABATASSO,

Petitioner,

v.

THE SUPERIOR COURT OF ORANGE
COUNTY,

Respondent;

MATTHEW CATE, as Secretary, etc.,

Real Party in Interest.

G039906

(Super. Ct. No. 93HF0549)

ORDER MODIFYING OPINION
NO CHANGE IN JUDGMENT

It is ordered that the opinion filed herein on October 20, 2008 be modified in the following particulars:

1. On page 3, in the last sentence of the last full paragraph starting with “Thus, real party cannot” delete the word “appeal” and replace it with “petition” so the sentence reads:

“Thus, real party cannot provide an adequate remedy and we decide the petition on the merits.”

2. On page 8, in the section labeled DISPOSITION, in the second sentence starting with “We direct,” delete the words “We direct” and replace it with “Let a writ of mandate issue ordering” so the sentence reads:

“Let a writ of mandate issue ordering the trial court to vacate its September 21, 2007 order denying petitioner’s motion for payment of the release allowance and to issue a new order granting the motion.”

RYLAARSDAM, J.

WE CONCUR:

SILLS, P. J.

IKOLA, J.